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IOVATE HEALTH SCIENCES U.S.A.  
8 INC.

9 UNITED STATE DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 JAMES EASHOO, individually and on  
12 behalf of all others similarly situated,  
Plaintiff,

13 vs.  
14

15 IOVATE HEALTH SCIENCES  
U.S.A., INC.,  
16 Defendants.

Case No. 2:15-cv-01726-BRO-PJWx

**DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION FOR  
APPOINTMENT OF PEARSON,  
SIMON & WARSHAW, LLP AS  
INTERIM LEAD COUNSEL**

DATE: May 18, 2015  
TIME: 1:30 p.m.  
CTRM: 14

The Honorable Beverly Reid O'Connell

17  
18 Defendant IOVATE HEALTH SCIENCES U.S.A. INC. ("Iovate") hereby  
19 submits this response to Plaintiff James Eashoo's Motion for Appointment of  
20 Pearson, Simon & Warshaw, LLP as Interim Lead Counsel. Although Iovate does  
21 not agree that a class should be certified, Iovate takes no position on whether the  
22 Court should appoint interim lead counsel or who that counsel should be.

23 Dated: April 27, 2015

NEWPORT TRIAL GROUP  
A Professional Corporation

24 By: /s/Scott J. Ferrell

25 Scott J. Ferrell  
26 Attorneys for Defendant  
27 IOVATE HEALTH SCIENCES U.S.A.  
28 INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2015, I electronically filed the foregoing **DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR APPOINTMENT OF PEARSON, SIMON & WARSHAW, LLP AS INTERIM LEAD COUNSEL** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/Scott J. Ferrell  
Scott J. Ferrell